

REMARKS/ARGUMENTS

Upon entry of this amendment, which amends claims 1, 14-15 and 17-21, claims 1-36 remain pending. In the Office Action, the specification was objected to as failing to provide proper antecedent basis of the claimed subject matter; newly submitted claims 17-20 were deemed directed to an invention that is independent and distinct from the invention originally claimed; claims 1-2, 12-13 and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by Rohner (U.S. Patent No. 5,680,325); claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rohner in view of Wetzel (U.S. Patent No. 6,388,990) and claims 4-11 and 14-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rohner in view of Datta et al., (U.S. Patent No. 6,209,033, hereinafter "Datta"). Applicants respectfully request reconsideration of the claims in view of the amendments above and remarks below.

Interview Summary

Applicants thank the Examiner for the courtesy of the Interview conducted on April 6, 2005. During the Interview, the differences between the cited references and the real-time nature of embodiments of the present invention were discussed.

Specification Objections

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. For example, the rejection stated that in claim 14, "data only slots" are not defined in the specification, however, there are data and video-only ports. Although Applicants submit that data-only slots are supported by the specification, but Applicants have amended claims 14 and 15 to recite "data only ports" in order to expedite prosecution. Applicants submit that support for this amendment may be found on pages 17-18, paragraph 87 of the application. Accordingly, Applicants respectfully request withdrawal of the objection to specification.

Elections/Restrictions

The rejection stated that newly submitted claims 17-20 were directed to an invention that is independent or distinct from the invention originally claimed. The reasons stated where the claims are directed towards allowing and denying customer service requests based on spare capacity whereas claims 1-16 and 21-36 are directed towards determination of spare network capacity. Amended claims 1, 17 and 21 are directed towards processing of customer requests. Accordingly, in conjunction with a request for continuing examination, Applicants submit that claims 17-20, as amended, are not independent or distinct from the invention recited in claims 1 or 21. Applicants thus respectfully request the examination of claims 17-20, as amended. Accordingly, Applicants respectfully traverse the restriction requirement and request the re-instantiation of the claims.

Claims 1-16

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Rohner. Applicants submit that Rohner does not disclose or suggest every element of claim 1, as amended. As discussed during the interview, Rohner is directed towards network planning. For example, Rohner states that network capacity creation using capacity planning, capacity managing, capacity implementation and capacity activation is performed. *See Rohner, Abstract.*

Applicants submit that Rohner does not disclose or suggest determining if the identified equipment has spare data and video capacity using real-time information for the identified equipment in the network element inventory and providing an answer for the request for spare capacity while being connected to the customer during the customer inquiry, the answer based on the spare video and data capacity calculation. Rohner is not directed towards using real-time information to determine spare capacity or to providing an answer during an inquiry with a customer that is requesting spare capacity in a video and data network.

Embodiments of the present invention provide many advantages. For example, a determination of spare capacity is performed using real-time information. Thus, up-to-date real-time information is used to determine an answer to a customer inquiry. Using real-time information makes it possible to give an answer to the inquiry while being connected to the customer. Because real-time data is used, a service representative can be reasonably certain that

spare capacity is available, if determined, and thus can give an immediate answer. Also, using embodiments of the present invention, a response can be returned to the client very quickly and efficiently, for example, an answer may be returned in less than two seconds and in most cases within five seconds. Thus, customer service satisfaction is increased using embodiments of the present invention.

Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1. Claims 2-16 depend from claim 1 and thus derive patentability at least therefrom.

Claims 17-36

Applicants submit that claims 17 and 21 should be allowable for at a similar rationale as discussed with respect to claim 1. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 17 and 21. Claims 18-20 and 22-36 depend from claims 17 and 21, respectively, and thus derive patentability at least therefrom. Accordingly, Applicants respectfully request withdrawal of the rejections from claims 18-20 and 22-36.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

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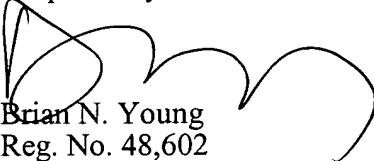
PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Dated:

5/17/05

Respectfully submitted,


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